

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA ex rel.	:	CIVIL ACTION
MATTHEW CESTRA, et al.	:	NO. 14-1842
	:	
v.	:	
	:	
CEPHALON, INC., et al.	:	

**ORDER**

AND NOW, this 3rd day of June, 2015, upon consideration of Cephalon, Inc.'s motion to dismiss relator's second amended complaint pursuant to Rules 12(b)(6) and 9(b) (Dkt. No. 1-34), relator's opposition (Dkt. No. 1-38), Cephalon's reply (Dkt. No. 1-45), the parties' supplemental briefs (Dkt. Nos. 11, 16, 18) and consistent with the accompanying memorandum of law, it is hereby ORDERED that defendant's motion is GRANTED IN PART. Relator's claims under the reverse false claims provision are DISMISSED with leave to amend. Relator's conspiracy claims are DISMISSED with leave to amend. Relator's state law claims are DISMISSED to the extent that the claims relate to alleged conduct prior to the relevant effective dates of the states' FCA statutes. Relator's claims under Maryland law are DISMISSED. Relator's claims under New Mexico law are DISMISSED with leave to amend. Cephalon's motion is DENIED in all other respects. Relator may file an amended complaint consistent with this Order and accompanying memorandum on or before June 17, 2015.

s/Thomas N. O'Neill, Jr.  
THOMAS N. O'NEILL, JR., J.